

### REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on January 6, 2005. Claims 1-3, 16, 24, 25 and 28 are rejected. In this amendment, claims 1, 24 and 28 have been amended. Claim 31 has been added. No new matter has been added.

The Examiner has rejected claim 1, 24 and 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amended claims 1, 24 and 28 to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, Applicant respectfully submits that amended claims 1, 24 and 28 comply with § 112, second paragraph, and requests withdrawal of this rejection.

Claims 1-3, 6-8, 24, 25 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bretschneider, et al. (U.S. Patent No. 6,008,807, hereinafter "Bretschneider"). Claims 9-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bretschneider, in view of Tso, et al., (U.S. Patent No. 6,421,733, hereinafter "Tso"). As discussed below, the pending claims are patentable over the above references.

Bretshneider discloses a system for controlling the display of objects in a slide show presentation. The system allows a user to select a mode for presenting the slides on the computer screen from a context menu. The context menu is displayed in response to a user command such as clicking the right mouse button when the pointer is within slide boundaries. The context menu disappears when the user clicks the left mouse button while the pointer is positioned over the selected menu item.

Contrary to the presently claimed invention, Bretshneider does not teach or suggest displaying a set of data exchange modes upon detecting that a user has pressed the button of the cursor control device, detecting that the user has moved the cursor over a selected data exchange mode without releasing the button of the cursor control device, and canceling the display of the data exchange modes upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode. In the presently claimed invention, the user presses the button to cause the display of the data exchange modes and then continues to hold this button while selecting the desired data exchange mode. Once the user releases the button, the display of the data exchange modes is canceled. That is, in the presently claimed invention, the data exchange modes are displayed only while the cursor control device is in the active state.

In Bretshneider, in contrast, the display of the context menu continues when the mouse button is released. Specifically, the context menu is displayed when the user presses and releases (i.e., clicks<sup>1</sup>) the right mouse button. Subsequently, the user can select a mode from the context menu by placing the cursor over this mode and clicking the left mouse button. Hence, in Bretshneider, the mouse button has to be pressed and released at least twice to select an item from the context menu: first to display the menu, and then to select the menu item. Such a behavior is typical for various context menus, such as a context menu displayed inside an HTML document in the Internet browser window.

In the presently claimed invention, the user can select a new data exchange mode by performing an easy “drag-and-drop” operation: by pressing the button to display data

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<sup>1</sup> The verb “click” means “to press down and release a button on a pointing device in order to select an item on a display screen or activate a command or function.” Dictionary.com at <http://dictionary.reference.com/search?q=click>.

exchange modes and then keeping the button pressed while moving the cursor to the desired data exchange mode.

In addition, according to Bretshneider, the context menu remains visible while no button is pressed. Hence, if the user wants to navigate to an item currently obscured by the context menu, the user has to remove the context menu from the screen. In the presently claimed invention, instead, data exchange modes are displayed only while the user continues to keep the button of the cursor control device pressed. As a result, the list of data exchange modes never obscures any file references that the user may want to select: when the user is ready to press the button again, the list is no longer visible. Accordingly, the presently claimed invention makes display of data exchange modes more convenient by eliminating additional actions needed to initiate or cancel the display and refraining from obscuring other content by the menu when this content can be selected by a user. These features enable a user to perform mode changes more frequently and provide a useful reminder of available mode options during regular clicks.

Accordingly, Bretshneider does not teach or suggest the features of the present invention that are included in the following language of claim 1:

- ... displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference;

- detecting that the user has moved the cursor over a data exchange mode selected by the user from the set without releasing the button of the cursor control device;

- canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode; and

- issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode.

Similar language is also included in claims 24 and 28. Thus, the present invention as claimed in claims 1, 24 and 28, and their corresponding dependent claims, is not anticipated by Bretshneider.

Tso does not help Bretshneider to render the presently claimed invention unpatentable. Tso discloses a system for transcoding data transmitted between computers. The system provides for invocation of transcode service providers based upon a predetermined selection criterion. A selection criterion may be changed by accessing a pop-up window that includes a hypertext link that may be selected by the user to download specialized client software, and a three-state switch having "ON," "OFF" and "AUTO" settings.

Contrary to the presently claimed invention, Tso does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of the cursor upon detecting that a user has pressed a button of the cursor control device, detecting that the user has moved the cursor over a selected data exchange mode without releasing the button of the cursor control device, and canceling the display of the data exchange modes upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode. Thus, Tso does not teach or suggest the same features of the presently claimed invention that are missing from Bretshneider. Accordingly, the present invention as claimed in claims 1, 24 and 28, and their corresponding claims, is patentable over the above references.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) and submits that the pending claims are in condition for allowance.

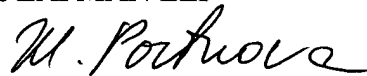
Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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